

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DOMESTIC DRYWALL ANTITRUST LITIGATION	MDL No. 2437 13-MD-2437 Honorable Michael M. Baylson
THIS DOCUMENT RELATES TO: <i>Home Depot U.S.A., Inc. v. Lafarge North America, Inc.</i> , No. 2:18-cv-05305-MMB (E.D. Pa.)	

**JOINT STIPULATION AND ORDER TO CONTINUE ORAL ARGUMENT AND
REPLY DEADLINES FOR THE PARTIES' *DAUBERT* AND DISPOSITIVE MOTIONS
AND TO ALLOW LAFARGE TO FILE BRIEFS IN EXCESS OF THE PAGE LIMIT**

Plaintiff Home Depot U.S.A., Inc. ("Home Depot") and Defendant Lafarge North America Inc. ("Lafarge") submit this joint stipulation and proposed order for consideration by the Court regarding the oral argument date, reply deadlines, and page limits for the parties' *Daubert* and dispositive motions. In support thereof, Lafarge and Home Depot refer to the following facts:

1. Pursuant to the Court's January 19, 2021 Order, *see* ECF No. 87, replies in support of *Daubert* and dispositive motions are currently due April 14, 2021.
2. The parties conferred and agreed to extend the deadline for replies in support of *Daubert* and dispositive motions until May 7, 2021, subject to approval from the Court.
3. On March 4, 2021, the Court scheduled oral argument for April 13, 2021, *see* ECF 99.
4. This argument date would take place before the motions are fully briefed. The parties' replies are not due until April 14, 2021 under the current briefing schedule and would not

be due until May 7, 2021 if the parties' proposed extension is adopted. The parties therefore seek a continuance of the current argument date as described below.

5. Due to the number and complexity of the issues at stake in this case, and the length of the parties' prior briefing on these issues, Lafarge's counsel requests additional time and pages to adequately prepare its replies in support of its summary judgment and *Daubert* motions.

6. The parties have conferred and agreed that Lafarge may file reply briefs in support of its *Daubert* and dispositive motions in excess of the applicable page limit, subject to approval from the Court.

7. The parties respectfully request that the Court:

- a. extend the deadline for the parties' reply briefs in support of *Daubert* and dispositive motions to May 7, 2021.
- b. continue the oral argument currently scheduled for April 13, 2021 (*see* ECF 99) to a date after May 7, 2021, which would enable the parties to file their reply briefs before the argument.
- c. permit Lafarge to file reply briefs in support of its *Daubert* and dispositive motions with the following page limits:
 - i. For Lafarge's reply in support of its motion for summary judgment: **50 pages**.
 - ii. For Lafarge's replies in support of its *Daubert* motions: **40 pages** (*Lafarge has discretion to allocate the 40 pages between its two Daubert briefs as needed.*)

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties, and subject to the approval of the Court, that the new deadline for reply briefs in support

of *Daubert* and dispositive motions is May 7, 2021; the hearing set for April 13, 2021 (*see* ECF 99) is hereby continued and may be re-set by the Court at the convenience of the Court; Lafarge is permitted to use 50 pages for its reply in support of its motion for summary judgment; and Lafarge is permitted to use 40 pages total for its *Daubert* replies, to be allocated between the briefs as needed.

Dated: March 10, 2021

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IT IS APPROVED AND SO ORDERED.

Dated: March 19, 2021

s/ Michael M. Baylson
The Honorable Michael M. Baylson
United States District Judge